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8 Attorneys for Defendant
9 MANUEL SOTO, JR.

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA • SAN DIEGO

12 DAVID SANTOYO,

13 Plaintiff,

14 vs.

15 MANUEL SOTO, JR., JAMES
16 SILBERMAN, JUAN RAMON SALAZAR,
17 AND DOES 1 TO 10,

18 Defendants.

Case No. 08-CV-1000 W BLM

**Assigned to Hon. Thomas J. Whelan
Courtroom 7**

**DECLARATION OF
ARTHUR A. SEVERANCE**

19
20 I, Arthur A. Severance, declare as follows:

21 1. I am an attorney at law duly licensed to practice before all the courts in the State
22 of California and before the United States District Court for the Southern District of
23 California.

24 2. I am an associate in the law firm of Sands Lerner, attorneys of record for
25 Defendant MANUEL SOTO, JR.

26 3. I have personal knowledge of and would competently testify to the matters set
27 forth herein, if called to do so.

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1 4. Exhibit "A" to this Declaration is a true and correct copy of the Law Report of
2 the Imperial County Sherriff's Office by Deputy R.W. McCoy, Badge No. 533, of the
3 Imperial County Sheriff's Department.

4 5. Exhibit "B" to this Declaration is a true and correct copy the 2007 Surface
5 Management Status 1:100,000-Scale Topographic Map published by the United States
6 Department of the Interior, Bureau of Land Management for Yuma, Arizona.

7 6. Exhibit "C" to this Declaration is a true and correct copy of Colorado River
8 Boating Trail Guide: Blythe to Imperial Dam, published by the California Department of
9 Boating and Waterways, available at [http://www.dbw.ca.gov/Pubs/BlythetoImperial/-](http://www.dbw.ca.gov/Pubs/BlythetoImperial/-BlythetoImperial.pdf)
10 [BlythetoImperial.pdf](http://www.dbw.ca.gov/Pubs/BlythetoImperial/-BlythetoImperial.pdf) (last accessed July 14, 2008).

11 7. Exhibit "D" to this Declaration is a true and correct copy of the United States
12 Department of the Interior, Bureau of Reclamation website "Colorado River Front Work and
13 Levee System," available at <http://www.usbr.gov/dataweb/html/fwls.html> (last accessed July
14 14, 2008).

15 8. Exhibit "E" to this Declaration is a true and correct copy of a press release
16 issued by the United States Department of the Interior, Bureau of Reclamation, on September
17 10, 2004, titled "Senator Wash Dam Repairs Will Help Conserve Colorado River Water,"
18 available at <http://www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=1583> (last
19 accessed July 14, 2008).

20 9. Exhibit "F" to this Declaration is a true and correct copy of the United States
21 Department of the Interior, Bureau of Reclamation report Annual Operating Plan for Colorado
22 River Reservoirs (2006), available at [http://www.usbr.gov/lc/region/g4000/AOP2006/-](http://www.usbr.gov/lc/region/g4000/AOP2006/-aop06_final.pdf)
23 [aop06_final.pdf](http://www.usbr.gov/lc/region/g4000/AOP2006/-aop06_final.pdf) (last accessed July 24, 2008).

24 10. Exhibit "G" to this Declaration is a true and correct copy of letters sent to
25 Plaintiff DAVID SANTOYO's attorney Sammer Habbas, Esq., regarding the defense of
26 primary assumption of the risk and the fact that Senator Wash Reservoir does not constitute
27 navigable waters for the purpose of determining admiralty tort jurisdiction.

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1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct, and that this declaration is executed on this 14th day of July
3 2008 in Los Angeles, California.

4 DATED:

By: 

5 ARTHUR A. SEVERANCE
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 12400 Wilshire Boulevard, Suite 1300, Los Angeles, California, 90025.

On **July 14, 2008** I served the foregoing documents described as:

DECLARATION OF ARTHUR A. SEVERANCE

on the interested parties in this action:

See attached Service List

- ☒ (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ (BY FACSIMILE) I am responsible for service by facsimile to the above addresses.
- ☐ (PERSONAL) I delivered such envelope by hand to the offices of the addressee.
- ☐ (BY FEDERAL EXPRESS) I am responsible for service by Federal Express to the above address with guaranteed delivery by 10:00 a.m. on _____.
- ☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **July 14, 2008** at Los Angeles, California.


Ruthelene Luckey

SERVICE LIST

David Santoyo, Jr. v. Manuel Soto, Jr.

USDC-Southern (San Diego) Case No. 08-CV-1000 W BLM

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David Santoyo

Mailing Information for a Case 3:08-cv-01000-W-BLM

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- (No e-mail recipients)

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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